IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1101 (S/S) of 2007

Davindra Kumar S/o Late Sri Shyam Lal
R/o House no. 204, P Sector 4 Panchkula
Hariyana ------- Petitioner

Versus

1. Union of India through Secretary, Home Department, New Delhi
2. Director General of Indian Tibbetan Border Force, New Delhi
3. Commanding Officer, Indian Tibbetan Border Force, Mirthi, District Pithoragarh, Uttarakhand

------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal Narayan Srivastava, learned counsel for the petitioner and Smt. Beena Pandey, learned Standing Counsel Union of India for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to give effect to promotion order dated 4.4.07 by which the petitioner has been given promotion from the post of G.D. Constable to the post of Head Constable.
2. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case in favour of the petitioner.
3. Award cost of the writ petition to the petitioner.

The submission of the petitioner is that he was promoted from the post of G.D. Constable to Head Constable vide order

dated 04.04.2007. The said promotion order was approved by the Additional Deputy Inspector General (Personnel), Indo Tibbetan Border Police, New Delhi, however, the petitioner was not provided promotion order by respondent no. 3 on the ground that he was medically unfit at that time. Now, the petitioner claims that he is medically fit and he should be provided promotion order. In this respect, he has already moved a representation to Additional Inspector General, Indo Tibbetan Police, Dehradun through proper channel. The said representation was preferred by the petitioner on 16th July, 2007, which is Annexure No. 4 to the writ petition.

Learned counsel for the petitioner has submitted that the respondent no. 3 may be directed to take decision on the representation of the petitioner.

The prayer is innocuous.

Consequently, I direct the respondent no. 3 to take decision on the representation of the petitioner within a period of three weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. No order as to costs. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

18.08.2007
VKS